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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1222/2018**

MANGAL SINGH AND ORS.

..... Petitioners

Through: Mr Vivek Singh and Mr Manish
Arora, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Ashim Sood, CGSC with Mr
Dhruv Sood, Ms Payal Chandra and
Mr Rhythm Buaria, Advocates for R-
1.

Mr Santosh Kumar Tripathi, ASC,
GNCTD with Mr Shashank for R-3.
Ms Puja Kalra, Advocate for R-
4/SDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.02.2018

CM No. 5077/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1222/2018 and CM No. 5076/2018

3. The petitioner has filed the present petition impugning a notice dated 31.01.2018 issued by the office of the SDM, Government of NCT of Delhi (Respondent no.3).

4. The petitioner claims that the respondents are treating the land occupied by the petitioner as an encroachment on the Government land which is palpably incorrect.

5. He has also referred to the order dated 16.11.2005 rendered by this Court in W.P.(C) 3160/2000. The said order also refers to an earlier petition being W.P.(C) 2823/1988, which was disposed of by a judgment dated 16.05.1989. The petitioners claim that the said decision clearly establishes that the land occupied by the petitioners is owned by them and was not a subject matter of any acquisition. The petitioners further claim that in the circumstances, the respondents cannot demolish the structures constructed on the their land and cannot acquire the same for the purpose of road widening.

6. The learned counsel appearing for the respondents states that the petitioners have already made a representation in response to the aforesaid notice making similar assertions and the same is yet to be considered by the SDM.

7. In this view, no interference is called for at this stage. The SDM shall consider the petitioners' representation and pass a reasoned order.

8. A perusal of the impugned notice indicates that respondent no.3 is taking an action for removal of the encroachment made over 60 feet road handed over by the PWD. This is also disputed by the petitioners; they claim that the width of the road in question was never 60ft.

9. In view of the above, the SDM is also directed to verify the

documents available with the PWD to ascertain whether the width of road is 60 feet.

10. The petition and the application are disposed of with the aforesaid observations.

VIBHU BAKHRU, J

FEBRUARY 09, 2018
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